

U.S. Department of Justice



United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 17, 2007

BY FACSIMILE: (212) 805-6191

The Honorable Barbara S. Jones  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 620  
New York, New York 10007

USDC SDNY  
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Re: United States v. Joel Fermin,  
07 Cr. 400 (BSJ)

Dear Judge Jones:

The defendant Joel Fermin was arrested on April 5, 2007, and was presented the following day before Magistrate Judge Douglas F. Eaton. A bail hearing was held before Judge Eaton on April 11, 2007, at which the defendant was required to meet the following bail conditions before his release: sign a \$200,000 personal recognizance bond, co-signed by three individuals, one of whom must be a financially responsible person; strict Pre-trial Services supervision with home detention and electronic monitoring; travel limited to the Manhattan and Kings counties; and the surrender of all travel documents. At this time, the defendant has yet to satisfy the conditions of his bail and is in jail.

The Grand Jury returned the above-referenced indictment on May 9, 2007, and the case has been assigned to Your Honor. Enclosed please find a copy of the indictment for Your Honor's files. Your Honor has referred the arraignment of the defendant to Magistrate's Court. Defense counsel is unavailable during the week of May 28, 2007. Accordingly, the Parties respectfully request that the Court schedule an initial conference for early June 2007.

In addition, the Government respectfully requests, with defense counsel's consent, that time be excluded for purposes of the Speedy Trial Act from today through and including the date of the initial court conference. The Government makes this request in order to permit the

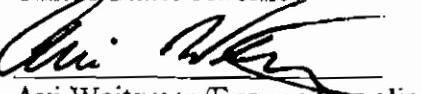
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Government to collect and produce discovery and to provide the defendant an opportunity both to review discovery and to consider a possible disposition of the case. Therefore, the ends of justice served by excluding time under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8).

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:

  
Avi Weitzman/Eugene Ingolia  
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Enc.

cc: David Patton Esq. (by facsimile: 212-571-0392)  
Attorney for Defendant

Applications granted. An initial conference will be held on June 8, 2007 at 2:30PM. In the interest of justice for the reasons stated above, speedy trial time is excluded from May 22, 2007 to June 8, 2007 pursuant to 18 U.S.C. § 3161(h)(8)(A).  
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SO ORDERED

Dated:

Hon. Paul A. Crotty for Judge Barbara Jones  
U.S.D.J.